

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric Mathews et al. Art Unit : 3763  
Serial No. : 10/509,713 Examiner : Anatoly Vortman  
Filed : May 6, 2005 Conf. No. : 8357  
Title : TEMPERATURE-CONTROLLED ACTUATOR

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-RESPONSIVE  
AMENDMENT OF DECEMBER 26, 2007

Applicant appears to have misunderstood the Examiner's position in the action mailed August 1, 2007. What the Examiner apparently intended was a restriction requirement between two generic claims 1 and 23, followed by an election of species for the chosen generic claim.

Accordingly, Applicant chooses generic claim 1 for further prosecution, and elects the invention of species III FIG. 7-8, drawn to the embodiment of an actuator in which a tensioning element comprises an axially movable member, the axial position of which controlling the tension of the core wire, a distal section of the core wire comprises an extension of an intermediate section, the extension having a small diameter than the intermediate section. This election is made without traverse.

The embodiment of species III is read on by claims 1, 2, 3 and its progeny claim 8, 4 and its progeny claim 5, 6, 7, 9, 10 and its progeny 11-13, 16-18, 14, 19, 20, and 22.

No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our Deposit Account No. 06-1050, referencing Attorney Docket No. 12090-004US1.

Applicant : Eric Mathews et al.  
Serial No. : 10/509,713  
Filed : May 6, 2005  
Page : 2 of 2

Attorney's Docket No.: 12090-004US1

Respectfully submitted,

Date: January 9, 2008



Faustino A. Lichauco  
Reg. No. 41,942

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21824163.doc